

Interview Summary Attachment

Applicant's representative called examiner to discuss page 10 of the last office action dated 6-9-09. Discussed examiner's description of "60 parts silica and 20 parts carbon black (as suggested by Europe 613)" on page 10 of last office action dated 6-9-09. With respect to Europe 613, examiner directed attention to page 3 lines 54-56, Table 1 sample C, and page 11 lines 44 and 45. Examiner maintained that Europe 613 teaches using 60 parts silica and 20 parts carbon black. Examiner specifically noted that 60 parts silica is used in sample C.

Also discussed Mamiya's 132 declaration (filed 12-17-08), Nakamura's 132 declaration (filed 12-17-08) and applied prior art. Examiner commented that claims 1 and 10 are not limited to any particular amount of silica. Examiner further commented that the improvement demonstrated in each declaration may only be obtained for a relatively low amount of silica. Examiner noted, for example, that heat generation can only be lowered so far and that the amount of lowered heat generation may decrease to negligible or nominal amount when the amount of silica is increased. Examiner noted that use of silica in a tread composition to lower heat generation is known in the art as evidenced by Europe 613. In view of this known fact, examiner commented that it would be speculation to conclude that heat generation is lowered by 10 index units (the difference in heat index between invention example 3 and comparative example B) when a larger amount of silica such as 50 parts is used. Examiner acknowledged that specification describes using 2-50 parts silica and that examples 2 and 3 show unexpected results over comparative examples B and D respectively.

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Examiner acknowledged that Europe 561's disclosure to use 10-85 parts filler (carbon black or silica) is not specific to tire treads and that Europe 561 teaches uses for the rubber composition other than tire treads. However, examiner asserted that one of ordinary skill in the art would have been motivated by Europe 613 to use silica in a tire tread.

With respect to the Mamiya's 132 declaration, examiner agreed that comparative example B corresponds to the closest prior art which is Europe 561. Examiner noted that the lowering in heat build up property as demonstrated by examples 2 and 3 is unexpected because Shiina teaches using hydrazide to decrease deterioration in the low heat generating property instead of lowering heat generation. Examiner commented that a comparison of a modified invention example (using 50 parts silica and 0 parts carbon black) with a modified comparison example (using 50 parts silica and 0 parts carbon black) may be persuasive of non-obviousness for claim 1 if amended to recite 2-50 parts silica depending on the results obtained, i.e. the strength of the showing.

With respect to Nakamura's 132 declaration, examiner noted that the results for examples 14 and 15 are limited to using 45 parts silica and that silica is known in the tire tread art to improve grip on wet road as evidenced by Japan 748 and improve cut resistance as evidenced by Hayashi et al. Examiner commented that the results in Nakamura's 132 declaration appear to be the predicted and expected results in view of the teachings of Japan 748 and Hayashi et al. In light of this, examiner made no

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recommendations as to possible further invention and comparative example comparisons.